

DAVID BURCHARD  
CHAPTER 13 TRUSTEE  
P.O. BOX 8059  
FOSTER CITY, CA 94404  
(650) 345-7801 FAX (650) 345-1514  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION**

In re:  
GAUDENCIO and MARIA D HERNANDEZ  
10891 COMSTOCK AVE.  
SONOMA, CA 95476  
  
###-##-4396 ###-##-6206  
Debtor(s).

Case No.: 10-1-0568 AJ13  
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13  
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

**341 MEETING OF CREDITORS:**

Date: 04/05/2010  
Time: 10:00 AM  
Place: Office of the United States Trustee  
777 Sonoma Ave., First Floor, #116  
Santa Rosa, CA 95404

**CONFIRMATION HEARING:**

Date: 05/17/2010  
Time: 1:30 PM  
Place: United States Bankruptcy Court  
99 South E Street  
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Trustee requests copies of the Debtors' bank account statements for the six-month period prior to the filing of this case.
2. Trustee requests an adversary proceeding or motion to avoid the lien of GMAC Mtg be filed and resolved prior to confirmation.
3. Trustee requests Mr. Hernandez's payment advices for the last six months prior to filing the bankruptcy, or in the alternative, provide a declaration that details why Mr. Hernandez cannot provide the six months of payment advices.
4. Trustee requests a signed copy of the Debtors' 2009 Federal Income Tax return.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: March 5, 2010

DAVID BURCHARD  
DAVID BURCHARD, Chapter 13 Trustee

## Certificate of Mailing

I, RYAN C. WOOD, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

GAUDENCIO and MARIA D HERNANDEZ  
10891 COMSTOCK AVE.  
SONOMA, CA 95476

EVAN LIVINGSTONE  
LAW OFFICES OF EVAN LIVINGSTONE  
182 FARMER'S LANE 100A  
SANTA ROSA, CA 95405

United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

Dated: March 5, 2010

RYAN C. WOOD  
RYAN C. WOOD